

**Remarks**

Claims 1-8, 10-28 and 30-42 are pending in the application. Claims 1, 21, 41 and 42 are independent.

Claims 1-8, 10-28 and 30-42 have been rejected.

There are no claim amendments.

**Claim Rejections/ Arguments**

The Examiner has rejected claims 1-8, 10-28 and 30-42 under 35 U.S.C. 103(a) as being anticipated by Jensen (US 2004/0261086) in view of Kjellberg and Krantz. The terminology of the Office Action with regard to the cited references is adopted herein. Applicant respectfully traverses the rejections in view of the arguments herein.

In Applicant's previous response submitted 12 November 2009, Applicant traversed the Examiner's rejection of claim 1 with regard to the Kjellberg reference, and provided an argument therefor. In the latest Office Action dated 01/15/2010, the Examiner asserts that that argument is moot in view of a new ground of rejection with regard to the Krantz reference.

However, the Examiner then proceeds to issue the rejection of claim 1 based on (i) the identical previous rejection based on Kjellberg, and (ii) the new ground of rejection based on Krantz.

The Examiner cannot summarily conclude that Applicant's arguments with respect to (i) are moot, and yet simultaneously maintain that identical rejection in addition to the new ground of rejection.

Applicant hereby respectfully requests a reasoned articulation from the Examiner, supported by attendant facts, as to why the identical rejection based

on Kjellberg is maintained. Stated another way, if that identical rejection is being maintained by the Examiner, Applicant's arguments traversing same cannot be summarily dismissed as being moot.

For convenience, Applicant has included below the arguments for supporting traversal of the rejection based on Kjellberg.

Additionally, Applicant traverses the rejection of claim 1 under the new ground of rejection (Krantz) and provides below arguments in support of the traversal.

**A. The Rejection based on Kjellberg**

The Examiner, at page 4 of the Office Action of 1/15/2010, acknowledges that Jensen does not disclose the former-claim 1 element of "*the provisioning instructions being customized for different subsets of versions of the application*", but then contends that Kjellberg at paragraphs [0024] to [0026] disclosed that claim element.

Claim 1 currently recites: *A method for providing customized provisioning of an application on a runtime environment of a terminal, the application including content having at least one content type, the method comprising the steps of:*

*obtaining the content by the runtime environment;*

*for each content type, obtaining by the runtime environment a set of provisioning instructions related to the content type, the provisioning instructions being customized by distributed provisioning control through the provisioning instructions for different versions of the application and being coupled to the application for specifying a provisioning application program interface (API) set for provisioning the content on the terminal; and*

*executing by the runtime environment the provisioning instructions for employing the API set, by a script interpreter, to provision the application according to the specified content type.*

The Examiner cited Kjellberg at paragraphs [0024] to [0026] as disclosing "*the provisioning instructions being customized for different subsets of versions of the application*". Applicant respectfully disagrees with such characterization.

Kjellberg at paragraph [0025] provides:

[0025] With reference now to **FIG. 1** of the drawings, there is illustrated a provisioning server **200** capable of provisioning objects and applications to client devices **100** in real-time. As noted above, provisioning is the capability to receive a request for an application or object, find a suitable version of the requested application or object and provide the application or object to the requester. The ability to find a suitable version of the requested application or object accounts for the different formats utilized by the many different types of client devices **100**, each with its own characteristics, limitations and configuration. For example, the client devices **100** may include PDAs **100a**, workstations and desktop computers **100b**, mobile phones **100c** and laptops **100d**. The characteristics and configurations of each

Nowhere in Kjellberg is there disclosed the feature and structure for customized provisioning as disclosed in the subject matter of claim 1. Rather, Kjellberg discloses a static provisioning procedure that is implemented by the client devices **100**, and which is bound by the different types of client devices **100**. "*The ability to find a suitable version of the requested application or object accounts for the different formats utilized by the many different types of client devices 100*" from Kjellberg paragraph [0025].

In contrast, claim 1 provides the feature: "*for each content type, obtaining by the runtime environment a set of provisioning instructions related to the content type, the provisioning instructions being customized by distributed provisioning control through the provisioning instructions for different versions of the application and*

*being coupled to the application for specifying a provisioning application program interface (API) set for provisioning the content on the terminal".*

As disclosed in the specification of the subject application as filed, at page 10-11:

The processing framework 206 manages the application 107 provisioning, retrieving and removing from the runtime environment of the terminal 100. The processing framework 206 provides ability to dynamically manage the provisioning API 122. It is recognized that the control of provisioning the content of the application 107 is distributed between the application 107 through the provisioning instructions 124 and the provisioning service 308 of the Framework 206, which represents the separation as Application 107 Intelligence and Framework 206 Intelligence. Having made this separation, the application 107 may no longer be bound by static provisioning procedures that would normally be imprinted on terminal 100 prior provisioning procedures.

Thus the feature of customized provisioning is described in the subject application as one where provisioning is no longer bound by static provisioning procedures that would normally be bound by the terminal provisioning procedures.

Furthermore, that customized provisioning is achieved by distributing the provisioning control between the application 107 (through the provisioning instructions) and the framework 206. From page 14 of the specification as filed:

### **Customized Provisioning**

To provide customized provisioning capability, the provisioning control of the application 107 on the terminal 100 is distributed between the application 107 (through the provisioning instructions 124) and the framework 206. This separation of control as Application 107 provisioning control (Intelligence) and Framework 206 provisioning control (Intelligence) helps the application 107 to be no longer bound by a static provisioning procedure that would normally be implemented by current terminals 100.

Applicant therefore respectfully submits that Kjellberg does not disclose the claim 1 limitation of "*the provisioning instructions being customized for different subsets of versions of the application*".

**B. The New Ground of Rejection based on Krantz**

Krantz discloses a framework and method for selecting and determining a configuration for network interfaces within computing devices, based upon predetermined selection rules, and even more particularly in computing devices supporting multiple network interfaces associated with multiple differing networking media.

The Office Action at page 5 asserts that Krantz is analogous art which, at paragraph [0089], discloses the claim 1 element of "*executing by the runtime environment the provisioning instructions for employing the API set, by a script interpreter*". Applicant respectfully disagrees with such conclusion.

Krantz at paragraph [0089] provides:

[0089] In yet another scenario, provided in the fourth row of the table, a rule applied by the rules engine **300** specifies a preference order comprising logical networks. A specific scenario example includes specifying: a corporate network over WISP A over WISP B. A network provider decides which physical network (WLAN over WWAN) to use based upon XML provisioning. Parameters used in such a rule scenario include: XML provisioning files from a wireless provider, business logic to facilitate dynamic network and interface selection.

It is apparent that Krantz describes deciding which physical network to use based (at least partly) on XML provisioning capability, whereby XML files may be provisioned from a wireless provider. Or stated another way, one parameter

used in the rules engine of Krantz is simply that one requirement for selecting a network may be that it provide the capability for provisioning XML files.

It is further apparent from reviewing Krantz that there is no teaching or suggestion that either the network selection process, or the rules engine 300, includes the claim 1 feature of "*executing by the runtime environment the provisioning instructions for employing the API set, by a script interpreter*".

For at least the claim 1 features discussed above, Applicant submits that claim 1 is patentable, since none of Jensen, Kiellberg or Krantz discloses the two limitations of claim 1 as discussed above. Therefore, Applicant respectfully requests that the rejection of claim 1 be withdrawn.

Independent claims 21, 41 and 42 are similar in scope to claim 1, and therefore a similar argument applies. Accordingly, we submit that the rejection to these claims be withdrawn for at least the same reasons.

Since the remaining dependent claims depend from one of the above noted independent claims, Applicant submits that the rejection of these claims be withdrawn for at least the same reasons.

For the foregoing reasons, the Applicant respectfully submits that the claimed invention is patentable over the prior art. Reconsideration and allowance of the claims is respectfully requested.

Respectfully submitted,

/Henry Ohab/

Henry Ohab  
Registration No. 45,854  
ph: (416) 862-3593

Gowling Lafleur Henderson LLP  
1 First Canadian Place, Suite 1600  
Toronto, Ontario, M5X 1G5